



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Testimony of Senator Lena C. Taylor
Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing
Assembly Bill 419 – Rape Shield & Protections for Victims of Sexual Abuse
Tuesday, December 15, 2009

Honorable members of the committee:

Thank you for taking testimony on Assembly Bill 419, a bill that creates a rape shield law and expands protections offered to victims of sexual abuse. I am pleased to work with the Assembly author, Rep. Mark Radcliffe, on this important bill who is joining us via telephone to offer testimony on this bill.

AB 419 accomplishes three legislative goals:

- The creation of a civil rape shield law, modeled on the Federal Rules of Evidence, which would limit a defendants' cross examination of a rape victim regarding his or her sexual history.
- It keeps personally identifiable information about a sexual assault victim listed on a crime victim compensation form confidential.
- The bill prohibits, in any civil action seeking damages, the admission of evidence aiming to prove the victim engaged in other sexual conduct. Presently, evidence from a mental examination that may make the existence of a fact more or less probably is admissible in a court action that involves actions concerning the alleged fact.

AB 419 creates much needed protections for victims of sexual assault. Keeping any personally identifiable information confidential can prevent public scrutiny, thereby making rape victims feel comfortable and secure in reporting instances of abuse. It is important that these three policy decisions do not conflict with the constitutional rights of an offender, victim, or the court. Rather, these initiatives present a clear line of boundary around the information about and from a victim that protects their personal safety and livelihood.

I encourage your support of this bill. Our Assembly counterparts unanimously approved this bill in the Corrections and the Courts committee and on a voice vote on the floor.

Thank you.

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To: Members of the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing
From: John Keckhaver, Wisconsin Coalition Against Sexual Assault (WCASA)
Date: December 15, 2009
Re: AB 419 – Civil Rape Shield and Victim Privacy
SB 344 – Penalty Enhancer Based on Victim Gender
Positions: WCASA supports both AB 419 and SB 344

Thank you for your time this morning. My name is John Keckhaver, and I represent the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a statewide organization that was created in 1985 to support and complement the work of Wisconsin's community-based sexual assault service provider programs and other organizations working to end sexual violence. Our mission is to help create the social change necessary to end sexual violence in Wisconsin.

WCASA strongly supports two of the proposals before you today, AB 419, which concerns victim privacy and SB 344 which creates a penalty enhancer for crimes based on the gender of the victim.

AB 419 – Civil Rape Shield and Victim Privacy

This bill would help protect victims of sexual assault in a number of important ways. First, it would create a civil rape shield (modeling federal law and a number of other states), which bars the defendant from introducing evidence of the sexual conduct of the victim in civil court. This mirrors the criminal case rape shields currently in place in Wisconsin and every other state in the nation.

The bill also protects personally identifiable information of the victim on forms designed by the Department of Justice for purposes of compensating victims of sex crimes and to hospitals for relevant examinations that take place. It also prevents defendants from requesting and courts ordering that a victim undergo a mental examination to assess her credibility as a condition of testifying, something that is often done in order to further harass victims. In the end, this bill will help more victims feel secure enough to report their crimes, and to testify when necessary against their attackers.

SB 344 – Penalty Enhancer Based on Gender of the Victim

Wisconsin was the first state in the nation to pass a hate crimes law in 1992. Currently, when a crime occurs and the perpetrator was motivated by the victim's race, religion, color, disability, sexual orientation, national origin or ancestry, that crime is classified as a hate crime, and is subject to a penalty enhancer. Most states in the nation include the gender of the victim among those characteristics, Wisconsin does not. SB 344 would rectify this situation and would help ensure that prosecutors are able to charge crimes based on the victim's gender appropriately.